

1 IN THE DRAWINGS

2 Please substitute the attached new sheets containing Figs.
3 1-17 and 19-22 for the originally filed corresponding figures.
4 Also submitted are the pen and ink marked-up versions of Figs. 1-
5 17 and 19-22 in accordance with MPEP 608.02(v). Applicants have
6 merely added and/or removed reference numbers to correspond to
7 the written description. No new matter has been added.

8
9 REMARKS

10 With respect to the Examiner's objections to the
11 specification, abstract and drawings, applicant has amended these
12 in accordance with the Examiner's comments and wishes to thank
13 the Examiner for calling these issues to his attention.
14 Specifically, applicant has amended the specification, abstract,
15 and drawings to correct minor informalities (i.e., correcting or
16 adding reference numbers corresponding the Figures with the text,
17 correcting typographical errors, etc.). Clean and marked-up
18 replacement pages are attached. No new matter has been added.

19 In the Office Action dated February 22, 2002, the Examiner
20 rejected claims 1-20 under 35 U.S.C. §§ 102 and/or 103.
21 Applicant has amended the pending claims to more clearly define
22 the disclosed invention. In the ensuing sections of this
23 response, applicant will respond to those rejections and
24 highlight the differences between the pending claims and the

1 cited references.

2 Applicant firmly believes the above amendments and the
3 following comments will convince the Examiner that the rejection
4 of the pending claims under §102 and §103 should be reconsidered
5 and withdrawn. In particular, applicant would like to direct the
6 Examiner's attention to applicant's novel system and method for
7 debt presentment and resolution where a debtor can participate in
8 web-based financial transactions without the burdens of set-up,
9 registration and enrollment. Applicant is unaware of anything
10 like this in the prior art, and even the references relied on by
11 the Examiner do not suggest the applicant's novel invention. In
12 short, applicant respectfully submits that the Examiner's
13 reliance on Lamm, U.S. Patent No. 6,078,907 ("Lamm"), Bednar et
14 al., U.S. Patent No. 5,832,460 ("Bednar"), Hilt et al., U.S.
15 Patent No. 6,032,133 ("Hilt"), Ziarno, U.S. Patent No. 5,696,366
16 ("Ziarno"), and Egendorf, U.S. Patent No. 6,188,994 ("Egendorf")
17 is misplaced -- as applicant's invention is very different from
18 what is disclosed therein.

19 Initially, the Examiner rejected claims 1-2, 4, 10-12, 14
20 and 20 under 35 U.S.C. §102(e) as being anticipated by Lamm.
21 Applicant respectfully disagrees. It is black letter law that to
22 be anticipatory, a prior art reference must disclose each and
23 every element of the claim or claims at issue -- Lamm falls short
24 of this requirement.

1 Briefly, Lamm merely discloses a system and method for
2 preparing and delivering bills wherein selected secured billing
3 information is stored on the debtor's computer where it is later
4 merged with a redacted bill to produce a complete bill on the
5 debtor's computer. Importantly, the system according to Lamm
6 requires the debtor to download a set-up program, download a
7 software program and enroll with the billing party -- all being
8 tedious and sometimes confusing processes. Such a system is very
9 different from the present invention as claimed. That is, as is
10 readily apparent, nowhere does Lamm teach or suggest a system or
11 method for presenting and resolving a debt where a debtor's
12 burdens of set-up, registration and enrollment are eliminated.
13 Moreover, nowhere does Lamm teach or even suggest a system
14 whereby debtors and creditors may interact and exchange
15 information in a transaction community software application to
16 resolve debts. While applicant agrees that Lamm does disclose a
17 bill identification number, nowhere does Lamm suggest using such
18 identification number for the purpose of accessing any such
19 transaction community software application for the purpose of
20 resolving an outstanding bill or debt.

21 Rather, according to Lamm, debtors MUST undertake the
22 burdensome process of downloading a set-up program to begin a
23 registration and enrollment process. The present invention as
24 disclosed and claimed claims a system and method for presentment

1 and resolution of a debt by simply arming the debtor with an
2 authorization code that is used to gain access to a software
3 application which allows for the exchange of information between
4 debtor and creditor to aid in the resolution of debt without the
5 burdens of downloads, set-up, registration and enrollment. Thus,
6 Lamm fails to teach or disclose every element of the claimed
7 invention of at least independent claims 1 and 12, as well as
8 dependent claims 2, 4, 10-11, 14 and 20, which depend therefrom.

9 Next, the Examiner rejected claims 3 and 13 under 35 U.S.C.
10 §103(a) as being unpatentable over Lamm in view of Bednar, claims
11 5-6, 15 and 16 as being unpatentable over Lamm in view of Hilt,
12 claims 7-8 and 17-18 as being unpatentable over Lamm in view of
13 Ziarno, and claims 9 and 19 as being unpatentable over Lamm in
14 view of Egendorf. Applicant respectfully submits that the
15 Examiner's understanding of the present invention and/or the
16 teachings of the cited references is misplaced and that none of
17 claims 3, 5-9, 13, and 15-19 are rendered obvious by the cited
18 references, either alone or in combination. Applicant further
19 submits that, with the benefit of the teachings of applicant's
20 specification, the Examiner's rejection could only be the result
21 of hindsight reconstruction of the applicant's invention.
22 Moreover, even if the cited references were properly combined,
23 such combination still would not teach all of the novel and non-
24 obvious features of the present invention as claimed.

1 Initially, applicant disagrees with the Examiner's opinion
2 as to the specific teachings of Lamm. As discussed above, Lamm
3 merely discloses a system and method for preparing and delivering
4 bills wherein selected secured billing information is stored on
5 the debtor's computer where it is later merged with a redacted
6 bill to produce a complete bill on the debtor's computer. Also,
7 Lamm teaches a system and method where the debtor is required to
8 download a set-up program, download a software program and enroll
9 with the billing party. For at least the reasons stated above,
10 applicant submits that this is very different from the present
11 invention as claimed.

12 Furthermore, even combining Lamm with any of the other cited
13 references, if proper, does not teach or suggest applicant's
14 novel invention. That is, as discussed above, Lamm fails to
15 teach a system and method for debt presentment without requiring
16 a debtor to download, set-up, register and enroll. Lamm also
17 fails to teach a system whereby debtors and creditors may
18 interact and exchange information in a transaction community
19 software application to resolve debts. Similarly, Bednar, Hilt,
20 Ziarno and Egendorf all fail to teach or disclose such a novel
21 system and method. Therefore, upon closer review of the cited
22 references, in view of the amendments and remarks made herein
23 above, applicant submits that it will be apparent to the Examiner
24 that his rejection should be reconsidered and withdrawn.

1 Further, the applicant respectfully points out that,
2 standing on their own, the cited references provide no
3 justification for the combination asserted by the Examiner.
4 "Obviousness cannot be established by combining the teachings of
5 the prior art to produce the claimed invention, absent some
6 teaching or suggestion supporting the combination. Under section
7 103, teachings of references can be combined only if there is
8 some suggestion or incentive to do so." *ACS Hospital Systems*
9 *Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q.
10 929, 933 (Fed. Cir. 1984) (emphasis in original).

11 The cited references provide no such suggestion or incentive
12 for the combination suggested by the Examiner. Therefore, the
13 obviousness rejection could only be the result of a hindsight
14 view with the benefit of the applicant's specification. However,

15 "To draw on hindsight knowledge of the patented
16 invention, when the prior art does not contain or
17 suggest that knowledge, is to use the invention as a
18 template for its own reconstruction -- an illogical and
19 inappropriate process by which to determine
20 patentability. The invention must be viewed not after
21 the blueprint has been drawn by the inventor, but as it
22 would have been perceived in the state of the art that
23 existed at the time the invention was made." (citations
24 omitted) *Sesonics v. Aerosonic Corp.*, 38 U.S.P.Q. 2d.
25 1551, 1554 (1996).

26 In addition, the combination advanced by the Examiner is not
27 legally proper -- on reconsideration the Examiner will
28 undoubtedly recognize that such a position is merely an "obvious
29 to try" argument. Lamm is unsuitable for efficient and effective

1 debt presentment and resolution as taught and claimed for the
2 present invention. Nothing in Lamm, Bednar, Hilt, Ziarno, or
3 Egendorf reveal any functional or design choices that could
4 possibly include all of the applicant's invention. Accordingly,
5 the present invention is not obvious and unpatentable over Lamm
6 in view of any of Bednar, Hilt, Ziarno, or Egendorf. At best it
7 might be obvious to try such a combination. Of course, "obvious
8 to try" is not the standard for obviousness under 35 U.S.C. §103.
9 *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81,
10 91 (Fed. Cir. 1986).

11 Under the circumstances, we respectfully submit that the
12 Examiner has succumbed to the "strong temptation to rely on
13 hindsight." *Orthopedic Equipment Co. v. United States*, 702 F.2d
14 1005, 1012, 217 USPQ 193, 199 (Fed.Cir. 1983):

15 "It is wrong to use the patent in suit as a
16 guide through the maze of prior art
17 references, combining the right references in
18 the right way so as to achieve the result of
19 the claim in suit. Monday morning
20 quarterbacking is quite improper when
21 resolving the question of nonobviousness in a
22 court of law." Id.

23 Applicant submits that the only "motivation" for the
24 Examiner's combination of Lamm and Bednar, Hilt, Ziarno and
25 Egendorf is provided by the teachings of applicant's own
26 disclosure. No such motivation is provided by the references
27 themselves.

28 Therefore, as is evidenced by the above amendments and

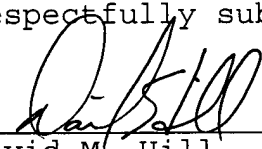
1 remarks, the present invention, for the first time, discloses a
2 system and method for debt presentment and resolution that
3 relieves the debtors of the burdens of set-up, registration and
4 enrollment by simply communicating an authorization code to the
5 debtor for use on the billing party's Internet site. A system
6 and method such as this is neither taught nor suggested anywhere
7 in the prior art, including Lamm, Bednar, Hilt, Ziarno and
8 Egendorf.

9
10 CONCLUSION

11 In view of the foregoing, applicant respectfully submits
12 that the present invention represents a patentable contribution
13 to the art and the application is in condition for allowance.
14 Early and favorable action is accordingly solicited.

Respectfully submitted,

Dated: August 22, 2002



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1 IN THE CLAIMS

2 Please amend the claims as follows:

3
4 {MARKED-UP VERSION OF THE AMENDED CLAIMS}

5
6 --1. (Amended) A method for bill or debt presentment and
7 resolution [method], said method comprising the steps of:
8 storing information regarding a debt from a creditor;
9 generating a bill based upon said information;
10 sending [a] said bill to a debtor requesting
11 payment[;], said bill including [with said bill]
12 an authorization code unique to said debtor and
13 [inviting] an invitation for said debtor to
14 resolve said debt by accessing [the creditor's] an
15 Internet site;
16 providing access [by] for said debtor to a transaction
17 community software application [said creditor's
18 customer service software] upon connection by said
19 debtor to said [creditor's] Internet site and
20 following input of said authorization code; and
21 interactively promoting an exchange of information
22 between said debtor and said creditor leading to
23 [the] resolution of said debt.
24

1 2.(Amended) A method according to claim 1, said method further
2 comprising [steps] the step of:

3 allowing said debtor to access information unrelated to
4 said debt, including financial, employment or
5 other demographically pertinent information.
6

7 3.(Amended) A method according to claim [2] 1, said method
8 further comprising [steps] the step of:

9 allowing for payment of said debt by check over the
10 said Internet.
11

12 4.(Amended) A method according to claim [2] 1, said method
13 further comprising [steps] the step of:

14 allowing for payment of said debt by credit card over
15 the Internet.
16

17 5.(Amended) A method according to claim [2] 1, said method
18 further comprising [steps] the step of:

19 allowing for payment of said debt by check through the
20 mail.
21
22
23
24

1 6.(Amended) A method according to claim [2] 1, said method
2 further comprising [steps] the step of:

3 allowing for payment of said debt by credit card
4 through the mail.
5

6 7.(Amended) A method according to claim 1, said method further
7 comprising [steps] the step of:

8 allowing said debtor to make charitable contributions
9 in connection with debt resolution.
10

11 8.(Amended) A method according to claim 1, said method further
12 comprising [steps] the step of:

13 allowing said debtor to make campaign contributions.
14

15 9.(Amended) A method according to claim 1, said method further
16 comprising the step of:

17 [revenue] sharing revenue [steps] such that collected
18 funds are properly allocated between creditors and
19 service providers.
20

21 10.(Amended) A method according to claim 1, said method further
22 comprising [steps] the step of:

23 providing advertising and marketing materials
24 appropriate for said debtor.

1 11. (Amended) A [bill or debt] system for the presentment and
2 resolution of a bill or debt, said system comprising:

3 a database for storing debt information from a
4 creditor;

5 means for generating a bill based upon said debt
6 information;

7 means for providing said [a] bill to a debtor

8 requesting payment[, said bill including an

9 authorization code unique to said debtor and an

10 invitation to said debtor to resolve said debt by

11 accessing the creditor's Internet site];

12 an Internet site established [by] for said creditor,

13 said site including [customer service software] a

14 transaction community software application

15 accessible by said debtor following input of said

16 authorization code[;], said software application

17 enabling [the] interactive exchange of information

18 between said debtor and said creditor; and

19 means for allowing said debtor to resolve [and pay]

20 said debt;

21 wherein said bill including an authorization code unique to

22 said debtor and an invitation for said debtor to resolve said

23 bill by accessing said Internet site.--

1 12.(Amended) A system according to claim 11, said system
2 further comprising means for allowing said debtor to access
3 information unrelated to said debt, including financial,
4 employment or other demographically pertinent information.
5

6 13.(Amended) A system according to claim [12] 11, said system
7 further comprising means for allowing for payment of said debt by
8 check over the Internet.
9

10 14.(Amended) A system according to claim [12] 11, said system
11 further comprising means for allowing for payment of said debt by
12 credit card over the Internet.
13

14 15.(Amended) A system according to claim [12] 11, said system
15 further comprising means for allowing for payment of said debt by
16 check through the mail.
17

18 16.(Amended) A system according to claim [12] 11, said system
19 further comprising means for allowing for payment of said debt by
20 credit card through the mail.
21

22 17.(Amended) A system according to claim 11, said system
23 further comprising means for allowing said debtor to make
24 charitable contributions in connection with debt resolution.

1 18.(Amended) A system according to claim 11, said system
2 further comprising means for allowing said debtor to make
3 campaign [contributions] contributions.
4

5 19.(Amended) A system according to claim 11, said system
6 further comprising revenue sharing means [such that collected
7 funds are] properly allocating [allocated] collected funds
8 between creditors and service providers.
9

10 20.(Amended) A system according to claim 11, said system
11 further comprising means for providing said debtor with
12 advertising [and marketing] materials appropriate for said
13 debtor.--
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